



DEPARTMENT OF THE NAVY

COMMANDING OFFICER  
NAVAL AIR STATION  
700 AVENGER AVENUE  
LEMOORE, CALIFORNIA 93248-5001

NASLEMINST 1620.1H CH-1  
011

18 MAY 1995

NAS LEMOORE INSTRUCTION 1620.1H CHANGE TRANSMITTAL 1

From: Commanding Officer, Naval Air Station, Lemoore

Subj: ADMINISTRATION OF DISCIPLINE

1. Purpose. To issue pen and ink change to basic instruction.
2. Action. Enclosure (2), page 2, paragraph 12: Change note to read, "**Note: ONLY THE COMMANDING OFFICER OR THE EXECUTIVE OFFICER CAN DISMISS A REPORT CHIT THAT IS GENERATED BY THE DISCIPLINE OFFICER. THE DEPARTMENT HEAD CAN DISMISS A REPORT CHIT THAT IS GENERATED BY THE DEPARTMENT.**"

  
G. C. WOOLDRIDGE

Distribution: (NASLEMINST 5215.2U)  
Lists B and E



## DEPARTMENT OF THE NAVY

COMMANDING OFFICER  
NAVAL AIR STATION  
700 AVENGER AVENUE  
LEMOORE, CALIFORNIA 93248-3001

NASLEMINST 1620.1H  
011

15 MAR 1995

### NAS LEMOORE INSTRUCTION 1620.1H

From: Commanding Officer, Naval Air Station, Lemoore

Subj: ADMINISTRATION OF DISCIPLINE

Ref: (a) MCM

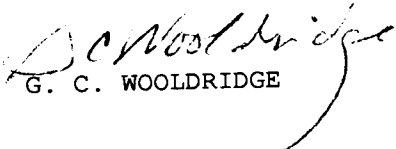
Encl: (1) Report of Offense  
(2) Report and Disposition of Criminal Offense  
(3) Sample Preliminary Inquiry Officer (PIO) Package

1. Purpose. To publish procedures for processing disciplinary matters aboard NAS Lemoore, including procedures for conducting Preliminary Inquiry, Executive Officer's Inquiry, and Commanding Officer's Nonjudicial Punishment.

2. Cancellation. NASLEMINST 1620.1G

3. Action. Reporting of disciplinary infractions shall be governed by reference (a). All such reports shall be submitted to the Discipline Officer using enclosure (1). Enclosure (2) is general information. Enclosure (3) will be forwarded to the respective department for investigation prior to disposition.

4. Forms. Report of Offenses (NAS Lemoore (011) 1620/1 (2-95)) may be obtained through the Station Judge Advocate's Office.

  
G. C. WOOLDRIDGE

Distribution: (NASLEMINST 5215.2U)  
List B

15 MAR 1995

REPORT OF OFFENSE		
INSTRUCTIONS: This form initiates the process for placing a member of this command on report. The official report form (NAVPERS 1626/7) will be prepared by the Discipline Officer using the information contained in this form. Be as thorough as possible and print all entries:		
DEPARTMENT INITIATING REPORT		DATE OF REPORT
ACCUSED'S NAME		RATE
SSN		DEPARTMENT/DIVISION
PLACE OF OFFENSE		DATE OF OFFENSE
GENERAL NATURE OF OFFENSE: (UA, ASSAULT, LARCENY) DO NOT LIST UCMJ ARTICLE		
DETAILED DESCRIPTION OF EVENTS IN CHRONOLOGICAL ORDER:		
OTHER PARTIES INVOLVED IN INCIDENT:		
NAME	RATE	COMMAND/DEPARTMENT/EXT
OTHER WITNESSES:		
NAME	RATE	COMMAND/DEPARTMENT/EXT
DESCRIBE PHYSICAL EVIDENCE, IF ANY, AND CURRENT LOCATION OR CUSTODY:		
PRINT RATE/NAME/TITLE		SIGNATURE OF PERSON SUBMITTING REPORT

15 MAR 1995

REPORT AND DISPOSITION OF CRIMINAL OFFENSES

1. Reporting suspected military offenses. When any person has knowledge of an offense committed by a person subject to the Uniform Code of Military Justice (UCMJ), the facts shall be reported to the Commanding Officer (CO)/Legal Officer of the command to which the suspect is attached. If the suspect is Temporary Assigned Duty (TAD) to another command, both commanding officers have judicial authority. Discharge authority, however, only resides with the parent command. Facts concerning offenses committed by personnel attached to NAS Lemoore shall be reported to the Discipline Officer for investigation and disposition.
2. Reporting of suspected civil offenses. From time to time persons not subject to the UCMJ are suspected of having committed offenses at NAS Lemoore. Serious offenses such as robbery, aggravated assault, rape, murder, espionage, and sabotage shall be reported to the Naval Criminal Investigative Service (NCIS) at NAS Lemoore. Other offenses shall be reported to the Security Detachment. Investigation and disposition of offenses committed at NAS Lemoore by persons not subject to the UCMJ shall be as directed by the Commanding Officer, Executive Officer, or Station Judge Advocate (SJA), NAS Lemoore.
3. Disposition of military suspects. Unless ordered into pretrial confinement by an officer with competent authority, military suspects shall be personally remanded to the custody of competent representatives of the suspect's command. Satisfying the legal requirements to place a service member in pretrial confinement or restriction is the responsibility of the suspect's command once turnover/notification has been accomplished.
4. Disposition of civilian suspects. Civilian criminal suspects shall be remanded to NCIS or Security Detachment, NAS Lemoore. Disposition and further action, as appropriate, shall be accomplished per current federal, state, Department of Defense, and NAS Lemoore regulations or policy.
5. Criminal investigation of offenses. NAS Lemoore provides both NCIS and Security Detachment investigative resources. NCIS and Security investigative reports are preliminary in most cases and require further review and inquiry by command personnel prior to commencing administrative or punitive actions.
6. Report chits. For NAS Lemoore personnel, all minor disciplinary infractions shall be reported to the Discipline Officer using the Report of Offense, enclosure (1).
  - a. Discipline Officer initiated report chits. In cases where the report chit has been initiated by the Discipline Officer, the report chit along with investigative instructions will be forwarded to the department concerned for a preliminary inquiry, comments, and recommendations of the supervisor, division officer, and department head. The investigative instructions shall be complied with.
  - b. Legal hold. Suspects being investigated for a UCMJ violation and all witnesses involved are automatically placed in legal hold status pending the results and disposition of the reported offense. Persons on legal hold shall not be granted leave, special liberty, transferred (TAD or Permanent Change of Station (PCS)), promoted, or otherwise changed in status without prior approval of the Commanding Officer, Executive Officer, or SJA. Legal hold does not necessarily mean that an accused's request will not be granted. Such decisions must be coordinated and approved by the command to preclude undue delay in the disposition of allegations or other inappropriate results.

Encl (2)

1 5 MAR 1995

7. Report chit investigation and disposition. To begin the preliminary inquiry, the LCPO of the individual's division shall appoint a knowledgeable investigating officer to gather evidence and report the circumstances surrounding the misconduct allegation. The investigating officer (PIO) has five working days to complete the package.

8. Collecting inputs from chain of command. After the PIO has written the reported findings and conclusions, the package should be reviewed by the accused's supervisor, division officer, and department head. The PIO is responsible for ensuring the package is routed through the chain of command and returned to the Discipline Officer.

9. Supervisor's responsibility. The accused's supervisor is responsible for recording the accused's performance of duty. The supervisor should record the nature and extent of any commendatory performance and incidents as well as prior counselling and assistance given the accused. Any prior misconduct should be recorded. Finally, the supervisor should make recommendations on disposition and punishment.

10. Division Officer's responsibility. The division officer should ensure that the PIO conducts a thorough and complete inquiry into the allegations. If the report is not complete, the division officer should return it to the PIO with instructions on correcting the deficiencies. If the report is acceptable, the division officer should indicate on the report concurrence or nonconcurrence with the conclusions and recommendations reached by the PIO and supervisor in addition to the division officer's opinion as to an appropriate disposition.

11. Department head's responsibility. The department head should indicate concurrence or nonconcurrence with the proposed disposition along with any further comments and recommendations helpful in reaching an appropriate disposition.

12. Discipline Officer's responsibility. The Discipline Officer shall monitor the progress of all PIO packages. The Discipline Officer shall enforce the processing time established by the Commanding Officer and Executive Officer and shall prepare and schedule discipline cases for Executive Officer Inquiry and Commanding Officer's mast if desired by the Executive Officer or Commanding Officer.

**NOTE: ONLY THE COMMANDING OFFICER OR EXECUTIVE OFFICER CAN DISMISS A REPORT CHIT**

Extra military instruction: (EMI) may be imposed for minor infractions or military discipline.

13. Serious offenses disposition. Incidents of a serious nature shall be inquired into and disposed of as directed by the Executive Officer or Commanding Officer.

13 MAY 1997

5800

SJA

Date \_\_\_\_\_

**MEMORANDUM**

From: Discipline Officer, Naval Air Station, Lemoore  
To: Preliminary Inquiry Officer  
Via: \_\_\_\_\_ Department Head

Subj: PRELIMINARY INQUIRY ICO \_\_\_\_\_

Ref: (a) MCM  
(b) JAG Manual

Encl: (1) NAVPERS 1626/7 (Report Chit)  
(2) Evidence to Date  
(3) PIO Report Form  
(4) PIO Guidelines  
(5) Check-off list for Accused's LCPO

1. Enclosures (1) through (3) are forwarded for preliminary investigation pursuant to references (a) and (b). An officer or chief petty officer should be appointed as the Preliminary Inquiry Officer (PIO). The PIO must be senior in rank to the suspect.

2. The PIO must read the documents entitled **Preliminary Inquiries and Instructions for Preliminary Inquiry Officers**, contained in enclosure (4), prior to initiating the investigation. The instructions must be followed by the PIO.

3. **Enclosure (5)** must be completed by the suspect's LCPO.

4. Upon completion of the investigation, the PIO package with supporting documents (e.g., witness statements and documentary evidence) will be returned to the Discipline Officer. The package should be hand delivered to preclude loss. In the event that the report cannot be returned by the date specified below, call the Discipline Officer for an extension at 3351.

5. While pending disciplinary action, the member has been placed in a legal hold status. The accused SHALL NOT BE GRANTED LEAVE, DETACHED TAD, or PCS without the approval of the Commanding Officer, Executive Officer, or the Station Judge Advocate or until proceedings have been completed. All such requests shall be routed via the SJA.

6. The report should be completed (legibly) and returned to the SJA's office within **5 WORKING DAYS** of the date of this memo.

7. The **PIO is required to be present at XO's Inquiry and CO's Mast**. The Station Judge Advocate's Officer will notify the PIO of the date and time of XO's Inquiry and CO's Mast.

8. If you have any questions or concerns regarding the investigation, please contact me at 3351.

\_\_\_\_\_  
Discipline Officer

Encl (3)

13 MAY 1997

**NAS LEMOORE  
PRELIMINARY INQUIRY OFFICER'S  
REPORT**

From: Preliminary Inquiry Officer  
To: Executive Officer  
Via: (1) Discipline Officer  
(2) Station Judge Advocate

Ref: (a) Uniform Code of Military Justice (UCMJ)  
(b) Manual for Courts-Martial (MCM)  
(c) JAG Manual

**INQUIRY OFFICER'S REPORT IN THE CASE OF \_\_\_\_\_**

PART I.

1. Read paragraphs in MCM concerning offenses/charges.
2. Witnesses interviewed (not the accused).

NAME	PHONE	SIGNED STATEMENT	SUMMARY OF INTERVIEW

3. Documentary evidence:

DESCRIPTION	ORIGINAL OR COPY	ATTACHED OR LOCATION

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## INQUIRY OFFICER'S REPORT

4. Real evidence: (Evidence furnished by things themselves, on view or inspection, e.g., marks, scars, wounds, fingerprints, and weapons)

DESCRIPTION	NAME OF CUSTODIAN	CUSTODIAN'S PHONE NUMBER

5. Permit the accused to inspect Report Chit. Yes\_\_\_\_\_ No\_\_\_\_\_
6. Accused signed all additional pages (if any) of charges. Yes\_\_\_\_\_ No\_\_\_\_\_
7. Accused signed Acknowledgment line on NAVPERS 1626/7. Yes\_\_\_\_\_ No\_\_\_\_\_
8. Investigator signed witness line on NAVPERS 1626/7. Yes\_\_\_\_\_ No\_\_\_\_\_
9. Accused waived rights on Suspects Rights Acknowledgment/Statement.  
Yes\_\_\_\_\_ No\_\_\_\_\_
10. Accused made statement (only when #9 is yes), and  
Accused's written and signed statement attached. Yes\_\_\_\_\_ No\_\_\_\_\_

or

Summary of accused's oral statement attached. Yes\_\_\_\_\_ No\_\_\_\_\_



**13 MAY 1997**

INQUIRY OFFICER'S REPORT

PART II

1. Summary of evidence. (State here the facts which either support the charges or refute them. The PIO should state facts concerning each element of each charge.)

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2. PIO's Conclusions and Recommendations. (The conclusions stated should be supported by the facts reported above, i.e., what facts point toward guilt or innocence. The recommendations should indicate appropriate disposition and punishment).

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☐ Dismissal    ☐ Dismissal with warning    ☐ Dismissal w/EMI  
 XOI:    ☐ Reprimand/Dismissal  
           ☐ Reprimand/EMI  
 NJP:    ☐ Verbal Reprimand  
           ☐ Non-punitive letter  
           ☐ Restriction for  days (60 days maximum)  
           ☐ Reduction in Rate  
           ☐ Forfeiture of \$  pay per month for  months  
                     (maximum 1/2 pay per month for 2 months)  
           ☐ Extra Duty for  days (45 days maximum)

I (DO/DO NOT) RECOMMEND SUSPENSION OF THE PUNISHMENT IMPOSED

I (DO/DO NOT) RECOMMEND AN ADMINISTRATIVE DISCHARGE BOARD

I (DO/DO NOT) RECOMMEND COURT-MARTIAL    ☐ Summary    ☐ Special    ☐ General

\_\_\_\_\_  
Print Name and Rate/Rank

\_\_\_\_\_  
Signature/Date

\_\_\_\_\_  
Phone

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INQUIRY OFFICER'S REPORT

3. Accused's Supervisor's Comments.

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The accused's performance is:

\_\_\_\_ Average \_\_\_\_ Above Average \_\_\_\_ Below Average \_\_\_\_ Poor \_\_\_\_ Excellent

\_\_\_\_\_  
Print Name and Rate/Rank

\_\_\_\_\_  
Signature/Date

\_\_\_\_\_  
Phone

4. Accused's Division Chief's Comments.

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\_\_\_\_\_  
Print Name and Rate/Rank

\_\_\_\_\_  
Signature/Date

\_\_\_\_\_  
Phone

5. Accused's Division Officer's Comments.

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\_\_\_\_\_  
Print Name and Rate/Rank

\_\_\_\_\_  
Signature/Date

\_\_\_\_\_  
Phone

**13 MAY 1997**

INQUIRY OFFICER'S REPORT

6. Accused's Department LCPO Comments.

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\_\_\_\_\_  
Print Name and Rate/Rank

\_\_\_\_\_  
Signature/Date

\_\_\_\_\_  
Phone

7. Accused's Department Head's Comments.

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\_\_\_\_\_  
Print Name and Rate/Rank

\_\_\_\_\_  
Signature/Date

\_\_\_\_\_  
Phone

8. Discipline Officer's Advice and Comments.

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\_\_\_\_\_  
Print Name and Rate/Rank

\_\_\_\_\_  
Signature/Date

\_\_\_\_\_  
Phone

9. Command Master Chief's Advice and Comments.

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\_\_\_\_\_  
Print Name and Rate/Rank

\_\_\_\_\_  
Signature/Date

\_\_\_\_\_  
Phone

13 MAY 1997

INQUIRY OFFICER'S REPORT

10. Station Judge Advocate's Advice and Comments.

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Print Name and Rate/Rank

Signature/Date

Phone

11. Results of Executive Officer's Inquiry.

\_\_\_\_\_ **DISMISSED**

\_\_\_\_\_ **DISMISSED with the following directed:**

- \_\_\_\_\_ CAAC Screening
- \_\_\_\_\_ Psychological evaluation
- \_\_\_\_\_ Service Record Page 13 warning entry
- \_\_\_\_\_ EMI (as indicated below)
- \_\_\_\_\_ Other (as indicated below)

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\_\_\_\_\_ **RETURN** to Discipline Officer to be held in abeyance until \_\_\_\_\_

\_\_\_\_\_ **FORWARDED** to the Commanding officer with the following comments/recommendations

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Signature

Date

13 MAY 1997

**RESULTS OF INTERVIEW**  
**(SUMMARY OF ACCUSED'S ORAL STATEMENT)**

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

PIO'S SIGNATURE/DATE



13 MAY 1997

SUSPECT'S RIGHTS ACKNOWLEDGMENT/STATEMENT

DATE \_\_\_\_\_

Full Name (Accused/suspect) Social Security No. Grade/Rate

Interviewer Social Security No.  
Grade/Rate

RIGHTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, he/she warned me that:

- (1) I am suspected of having committed the following offense(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (2) I have the right to remain silent; Initial\_\_\_\_\_

- (3) Any statement I do make may be used as evidence against me in a trial by court-martial; Initial\_\_\_\_\_

- (4) I have the right to consult with a lawyer prior to any questioning. This lawyer may be civilian lawyer retained by me at no expense to the United States, or if I wish, Navy or Marine Corps authority will appoint a judge advocate to act as my counsel without cost to me, or both; Initial\_\_\_\_\_

- (5) I have the right to have such retained civilian lawyer and/or appointed judge advocate present during this interview. Initial\_\_\_\_\_

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them. Initial\_\_\_\_\_

**FURTHER,**

- (1) I expressly desire to waive my right to remain silent; Initial\_\_\_\_\_

- (2) I expressly desire to make a statement; Initial\_\_\_\_\_

- (3) I expressly do not desire to consult with either a civilian lawyer retained by me or a judge advocate appointed as my counsel without cost to me prior to any questioning; Initial\_\_\_\_\_

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(4) I expressly do not desire to have such a lawyer present with me during this interview; Initial\_\_\_\_\_

(5) This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me. Initial\_\_\_\_\_

(6) I further understand that, even though I initially waive my rights to counsel and to remain silent, I may, during the interview, assert my right to counsel or to remain silent. Initial\_\_\_\_\_

_____ Signature (Accused/suspect)	_____ Time	_____ Date
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_____ Signature (Interviewer)	_____ Time	_____ Date
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_____ Signature (Witness)	_____ Time	_____ Date
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THE STATEMENT WHICH APPEARS ON THE FOLLOWING \_\_\_\_\_ PAGE(S) , ALL OF WHICH ARE SIGNED BY ME, IS MADE FREELY AND VOLUNTARILY BY ME, AND WITHOUT ANY PROMISES OR THREATS HAVING BEEN MADE TO ME OR PRESSURE OR COERCION OF ANY KIND HAVING BEEN USED AGAINST ME.

_____ Signature (Accused/suspect)
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NOTE: IF SUSPECT DESIRES TO MAKE AN ORAL STATEMENT, PIO SHOULD SUMMARIZE ORAL STATEMENT (FORM PROVIDED) AND ATTACH.



**13 MAY 1997**PRELIMINARY INQUIRIES

## 5106 PURPOSE OF PRELIMINARY INQUIRES

RCM 303 requires the commander, upon receipt of charges or information indicating that a member of the command has committed an offense punishable under the UCMJ to direct a preliminary inquiry into the case sufficient to permit an intelligent disposition of the matter. This may consist only of an examination of the charges and a summary of the expected evidence which accompanies them, while in other cases it may involve a more extensive investigation.

## 5107 USE

The Preliminary Inquiry Report (PIR) is of utmost importance to the proper administration of military justice. The PIR is used initially by the commander in determining the proper disposition of the case. Options include dismissal of the charge(s), imposition of nonpunitive measures, nonjudicial punishment, referral to trial by court-martial, and referral to a formal pretrial investigation. If the commander determines nonjudicial punishment to be appropriate, the PIR will be of assistance in determining the accused's guilt or innocence and the amount of punishment to be imposed. In the event of an appeal from nonjudicial punishment, the PIR will assist the appellate authority in deciding whether relief is warranted. If the case is referred to trial by court-martial officer, counsel for both sides, or a pretrial investigating officer in preparing to discharge their duties.

## 5108 ACTION

In many commands, the XO will be the officer who, upon receipt of information indicating an offense has been committed by a member of the command, determines who should investigate the case. The XO is guided by SECNAVINST 5520.3 in making this determination. It may be expedient for more than one case to be assigned to the same person for concurrent investigation where the cases are closely related. Preliminary inquiry officers will proceed per the instructions which follow. In each case, the XO will review the report of the preliminary inquiry officer and may remand the report for further investigation where appropriate.

## 5109 ADDITIONAL INFORMATION

The following pages contain a set of instruction to guide preliminary inquiry officer and useful forms to aid them in the performance of their duties: PIO report form; witness statement form; Suspect's Rights Acknowledgment/Statement; and summary of accused oral statement form

Encl (4)

12 MAY 1997

INSTRUCTION FOR PRELIMINARY INQUIRY OFFICERS

1. The preliminary inquiry officer (PIO) will conduct an investigation by executing the following steps substantially in the order presented below. The report of investigation will consist of the following:

- a. NAVPERS 1626/7, Report and Disposition of Offense(s).
- b. an Investigator's Report Form (The sample form following these instructions provides a chronological checklist for conducting the preliminary inquiry);
- c. statements or summaries of interviews with all witnesses (sworn statements will be obtained if practicable;
- d. statements of the accused's supervisor(s), sworn if practicable;
- e. originals or copies of documentary evidence;
- f. if the accused waives all rights, a signed sworn statement by the accused; or both; and
- g. any additional comments by the investigator as desired.

2. Objectives

a. The PIO's primary objective is to collect all available evidence pertaining to the alleged offense(s). As a first step, the PIO should be familiar with those paragraphs in Part IV of the Manual for Courts-Martial, 1984, describing the offense(s). Within each paragraph is a section entitled "elements" which lists the elements of proof for the offense. The PIO must be careful to focus on the correct variation. The elements of proof should be copied down to guide the PIO in searching for the relevant evidence. The PIO is to consider everything which tends to prove or disprove an element of proof.

b. The PIO's secondary objective is to collect information about the accused which will aid the commander in making a proper disposition of the case. Items of interest to the command include: the accused's currently assigned duties; evaluation of performance; attitudes and ability to get along with others; and particular personal difficulties of hardships which the accused is willing to discuss. Information of this sort is best reflected in the statements of the accused's supervisor, peers, and the accused himself.

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3. Interrogate the Witnesses First. In most cases, a significant amount of the information must be obtained from witnesses. The person initiating the report and the persons listed as witnesses are starting points. Other persons having relevant information may be discovered during the course of the investigation.

a. The PIO should not begin by interrogating the accused. If guilty, the accused is the person with the greatest motive to lie. The interrogator should meet with the accused last, when thoroughly prepared. Even when the accused confesses guilt, the PIO should nevertheless collect independent evidence corroborating the confession.

b. Witnesses who have relevant information to offer should be asked to make a sworn statement. Where a witness is interviewed by telephone and is unable to execute a sworn statement, the PIO must summarize the interview and certify it to be true.

c. In interviewing a witness, the PIO should seek to elicit all relevant information. One method is to start with a general survey question, asking for an account of everything known about the subject of inquiry, and then following up with specific questions. After conversing with the witness, the PIO should assist in writing out a statement that is thorough, relevant, orderly and clear. The substance must always be the actual thoughts, knowledge, or beliefs of the witness; the assistance of the PIO must be limited to helping the witness express himself accurately and effectively in a written form.

4. Collect the Documentary Evidence. Documentary evidence such as Shore Patrol reports, log entries, watchbills, service record entries, local instructions, or organization manuals should be obtained. The original or a certified copy of relevant documents should be attached to the report. As an appointed investigator, the PIOs have the authority to certify copies to be true by subscribing the words "CERTIFIED TO BE A TRUE COPY" with their signature.

5. Collect the Real Evidence. Real evidence is a physical object, such as the knife in an assault case or the stolen camera in a theft case, etc. Before seeking out the real evidence, if any, the PIO must be familiar with the Military Rules of Evidence concerning searches and seizures. If the item is too big to bring to a nonjudicial punishment hearing or into a courtroom, a photograph of it should be taken. If real evidence is already in the custody of a law enforcement agency, it should be left there unless otherwise directed. The PIO should inspect it personally.

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6. Rights Advisement

a. Before questioning the accused, the PIO should also have the accused sign the acknowledgment line on the front of the Report and Disposition of Offense (NAVPERS 1626/7) and initial any additional pages of charges that may be attached. The PIO should sign the witness line of the front of NAVPERS 1626/7, next to the accused acknowledgment.

b. A form follows which may be used to ensure the PIO correctly advises suspects of their rights before asking any question. Filling in that page must be in the first order of business when meeting with the suspect. Only one witness is necessary, and that witness may be the PIO.

7. Interrogate the Accused. The accused may be questioned only after knowingly and intelligently waiving all constitutional and statutory rights. Such waiver, if made should be recorded on a copy of the Suspect's Rights Acknowledgment/Statement form which follows. If the accused asks questions regarding the waiver of these rights, the PIO must decline to answer or give any advice on that question. The decision must be left to the accused. Other than advising the accused of the rights as stated in paragraph b above, the PIO should never give any other form of legal advice to the accused. If the accused wants a lawyer, NLSO judge advocates are available.

a. If the accused has waived all rights, the PIO may begin questioning. After the accused has made a statement, the PIO may probe with pointed questions and confront the accused with inconsistencies in the story or contradictions with other evidence. The PIO should, with respect to his own conduct, keep in mind that if a confession is not "voluntary", it cannot be used as evidence. To be admissible, a confession or admission which was obtained through the use of coercion, unlawful influence, or unlawful inducement is not voluntary. The presence of an impartial witness during the interrogation of the accused is recommended.

b. If the accused is willing to make a written statement, ensure the accused has acknowledged and waived all rights. While the PIO may help the accused draft the statement, the PIO must avoid putting words in the accused mouth. If the draft is typed, the accused should read it over carefully and be permitted to make any desired changes. All changes should be initialed by the accused and witnesses by the PIO.

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c. Oral statements, even though not reduced to writing, are admissible into evidence against a suspect. If the accused does not wish to reduce an oral statement to writing, the PIO must attach a certified summary of the interrogation to the report. Where the accused has made an incomplete written statement, the PIO must add a certified summary of matters omitted from the accused's written statement which he stated orally.

d. If the accused initially waives all rights, but during the interview indicates a desire to consult with counsel or to stop the interview, the PIO will scrupulously adhere to such request and terminate the interview. The interview may not resume unless the accused approaches the PIO and indicates a desire to once again waive all rights and submit to questioning.



**13 MAY 1997**CHECK OFF-LIST FOR ACCUSED'S LCPO

RATE/NAME/SSN

\_\_\_\_\_ INFORMED ACCUSED OF CHARGES

\_\_\_\_\_ INFORMED ACCUSED OF LEGAL HOLD STATUS (NO LEAVE/TAD/PCS)

\_\_\_\_\_ INFORMED ACCUSED OF POSSIBLE ONE DAY NOTIFICATION OF XO1 OR CO'S NJP

\_\_\_\_\_ PERFORMED SEABAG INSPECTION ON ACCUSED

\_\_\_\_\_ REGULATION HAIRCUT

\_\_\_\_\_ NO FACIAL HAIR

\_\_\_\_\_ SCHEDULED DAPA/CAAC SCREEN FOR \_\_\_\_\_ (IF ALCOHOL  
RELATED INCIDENT)

\_\_\_\_\_ INFORMED ACCUSED THAT IF HE/SHE RECEIVES NJP AND IS AWARDED REDUCTION IN RATE  
AND/OR FORFEITURE OF PAY, THE FOLLOWING WILL OCCUR:

**ALL FORFEITURES MUST BE TAKEN IN THE MONTH THAT NJP IS  
AWARDED. ON THE FIRST PAY DAY FOLLOWING NJP, THE  
MEMBER'S CHECK WILL REMAIN THE SAME. ON THE SECOND PAY  
DAY FOLLOWING NJP, THE MEMBER WILL NOT RECEIVE A CHECK.  
THE FORFEITURE MUST BE TAKEN FROM THE SECOND PAY CHECK  
TO COMPENSATE OVERPAYMENT AND FORFEITURE OF THE FIRST  
PAY CHECK. THIS IS UNAVOIDABLE.**

\_\_\_\_\_ INFORM THE ACCUSED THAT IF AWARDED RESTRICTION AT NJP, COMRATS WILL BE STOPPED  
DURING RESTRICTION. THE MEMBER WILL REPORT TO PSD TO OBTAIN A MEAL PASS AFTER  
CHECKING IN WITH THE MASTER-AT-ARMS. UPON COMPLETION OF RESTRICTION, THE MEAL PASS  
MUST BE RETURNED TO PSD, WHO WILL REINSTATE COMRATS, IF APPROPRIATE.